

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TRACY VANDERHOEF,  
Individually and On Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

CHINA AUTO LOGISTICS INC., et al.,

Defendants.

Case No: 2:18-cv-10174-CCC-SCM

Honorable Claire C. Cecchi, U.S.D.J.

Honorable Steven C. Mannion, U.S.M.J.

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, on November 21, 2018, Lead Plaintiffs Zhengyu He, Harold Brooks Moss, and Andrew Pagliara (“Plaintiffs”) filed an amended putative class action complaint (the “Amended Complaint”) in the above action against China Auto Logistics Inc. (“CALI”) and Howard Barth, Lv Fuqi, Yang Lili, Bai Shaohua, Tong Shiping, Cheng Weihong, and Wang Xinwei (the “Individual Defendants”);

WHEREAS, the above-captioned litigation is governed by the Private Securities Litigation Reform Act (“PSLRA”), which codifies procedural rules for private securities action brought under the federal securities laws, including a stay of discovery until any motions to dismiss are decided. *See* 15 U.S.C. § 78u-4(b);

WHEREAS, on April 1, 2019, the Court entered a Pretrial Scheduling Order stating that “Discovery is stayed pending resolution of the motion to dismiss” (Dkt. 39);

WHEREAS, pursuant to the Court's November 26, 2019 Order, the Individual Defendants have been served by mailed copy of the Amended Complaint to counsel for the Individual Defendants (Dkt. 63);

WHEREAS, the Individual Defendants were ordered to respond to the Amended Complaint by January 27, 2020 (Dkts. 64-70);

WHEREAS, the Individual Defendants were ordered to submit initial disclosures within fourteen (14) days after appearing in this matter (Dkt. 71);

WHEREAS, the Court referred this matter for mediation and appointed a mediator (Dkt. 53), and administratively terminated CALI's pending motion to dismiss pending resolution of mediation;

WHEREAS, Plaintiffs and CALI, and now the Individual Defendants, are actively seeking resolution of this matter through mediation, which is scheduled for January 24, 2020 with mediator Sheryl Goski (the "Mediation");

NOW THEREFORE, it is hereby stipulated and agreed between Plaintiffs and the Individual Defendants, by and through their undersigned counsel, as follows:

1. In the event the matter is not resolved through the Mediation, the Parties will submit a letter to the Court as required by the Mediation Order (Dkt. 53), and the Individual Defendants shall file their motions to dismiss within twenty-one (21) days after one Party notifies all Parties in writing that the matter will not be resolved through the Mediation;

2. The Plaintiffs shall file their opposition(s) to the Individual Defendants' motions to dismiss within thirty-five (35) days after the filing of the motions to dismiss;

3. The Individual Defendants shall file their replies in support of their motions to dismiss within twenty-one (21) days after the filing of Plaintiffs' opposition(s);

4. The Court's Pretrial Scheduling Order dated April 1, 2019 (Dkt. 39) shall apply to the Individual Defendants.

**IT IS SO STIPULATED.**

Dated: January 17, 2020.

/s/ Joshua Baker

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*\*pro hac vice* pending

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*\*pro hac vice* pending

***Counsel for Defendant Howard Barth***

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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The Honorable Steven Mannion, U.S.M.J.